

**UNITED STATES DISTRICT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**SOUTHERN NAZARENE  
UNIVERSITY,**

**Plaintiff,**

**vs.**

**FEDERAL INSURANCE  
COMPANY,**

**Defendant.**

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**Case No. CIV-17-558-M**

**DEFENDANT FEDERAL INSURANCE COMPANY’S NOTICE OF  
REMOVAL**

COMES NOW, Defendant Federal Insurance Company (“Federal”), and hereby Removes this civil action which was originally filed in the District Court of Oklahoma County, Oklahoma, Case No. CJ-2017-2015, to the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and would respectfully show the Court as follows:

1. This is an action of a civil nature over which the District Courts of the United States of America have original jurisdiction pursuant to 28 U.S.C. § 1332 because complete diversity of citizenship existed at the time of the filing of this action and still exists as between Plaintiff Southern Nazarene University (“Plaintiff”) and Federal, and the amount in controversy exceeds the sum of \$75,000, exclusive of any interest and costs.

2. Under 28 U.S.C. §§ 1441 and 1446, Federal has the right to remove this action from the District Court of Oklahoma County, Oklahoma, to the United States

District Court for the Western District of Oklahoma, which is the federal district in which the action is pending.

3. Plaintiff is a not-for-profit corporation organized under the laws of State of Oklahoma and, according to its allegations, owns the property that is the subject of this lawsuit that is located in Oklahoma County, Oklahoma.

4. Federal is an Indiana corporation with its principal place of business in New Jersey.

5. Plaintiff asserts claims against Federal for the alleged breach of an insurance contract and alleged bad faith. Plaintiff seeks to recover damages in excess of \$75,000, as well as punitive damages and attorneys' fees and costs.

6. Federal denies any and all alleged wrongdoing and any and all liability to Plaintiff. Federal has not yet filed a responsive pleading in the state court action. By filing this Notice of Removal, Federal does not waive any defenses that may be available to it. Federal will file a responsive pleading within the time set forth in Rule 81(c) of the Federal Rules of Civil Procedure.

7. Federal was served with the Petition and Summons through the Insurance Commissioner of the State of Oklahoma on April 24, 2017. This Notice of Removal is being timely filed within thirty (30) days of service of the Petition and Summons on Federal pursuant to 28 U.S.C. § 1446(b).

8. Pursuant to 28 U.S.C. § 1446(a), a copy of the Petition and Summons that Plaintiff served on Federal is attached hereto as **Exhibit 1**. No further processes, pleadings or orders have been served on Federal.

9. Pursuant to Local Civil Rule 81.2(a), a copy of the state court docket sheet is attached hereto as **Exhibit 2**.

10. The only other filing to date is as follows:

- Entry of Appearance – Mark Bialick and Ryan Deligans, **Exhibit 3**.

11. Service of this Notice of Removal is being made on all parties as shown by the attached Certificate of Service as required by 28 U.S.C. § 1446(d).

12. Promptly after filing this Notice of Removal, and as required by 28 U.S.C. § 1446(d), Federal will serve on Plaintiff and file with the Clerk of the District Court of Oklahoma County, Oklahoma, a “Notice of Filing of Notice of Removal to Federal Court” in the form attached hereto as **Exhibit 4** that will include a copy of this Notice of Removal as an exhibit thereto.

WHEREFORE, Federal respectfully prays that this action be removed to this Court for further proceedings as though this action had originally been instituted in this Court.

Respectfully submitted,

s/ John C. Lennon  
John C. Lennon, OBA No. 30149  
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-and-

COZEN O'CONNOR

Joseph A. Ziemianski  
Texas State Bar No. 00797732  
1221 McKinney, Suite 2900  
Houston, Texas 77010  
*Application for Admission  
Pro Hac Vice to be Filed*  
Telephone: (832) 214-3900  
Telecopier: (832) 214-3905  
E-mail: jziemianski@cozen.com

-and-

Anthony DiPietra  
Texas State Bar No. 24085972  
1717 Main Street, Suite 3400  
Dallas, Texas 75201  
*Application for Admission to the  
District Court for the Western  
District of Oklahoma to be Filed*  
Telephone: (214) 462-3000  
Telecopier: (214) 462-3299  
E-mail: adipietra@cozen.com

**ATTORNEYS FOR DEFENDANT  
FEDERAL INSURANCE COMPANY**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was served on all counsel of record, listed below pursuant to the Federal Rules of Civil Procedure on May 15, 2017.

Mark E. Bialick  
R. Ryan Deligans  
920 North Harvey  
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**Attorneys for Plaintiff**  
**Southern Nazarene University**

s/ John C. Lennon  
John C. Lennon